



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**MAY 02 2014**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7006 2760 0000 8650 2247

Mr. Clifford Wolfe, Jr., Chairman  
Omaha Tribe of Nebraska  
P.O. Box 368  
Macy, Nebraska 68309

Mr. Kurt Schmidt, General Manager  
Blackbird Bend Casino  
P.O. Box 89  
Onawa, Iowa 51040

RE: Blackbird Bend Casino Public Water System  
Federal ID: 070000017

**NOTICE OF VIOLATION**

Dear Chairman Wolfe and Mr. Schmidt:

The purpose of this letter is to notify the Omaha Tribe of Nebraska (Omaha Tribe) of violations of the Safe Drinking Water Act at the Blackbird Bend Casino and the steps necessary to address the noncompliance. The letter also provides the written documentation of the U.S. Environmental Protection Agency's (EPA or Agency) on-going consultation and coordination with the Omaha Tribe on the violations and outlines the steps the Agency may take if return to compliance in a timely manner does not occur.

The Blackbird Bend Casino public water system (Blackbird Bend System) is classified as a Transient Non-Community Public Water System, as defined by the Safe Drinking Water Act, Code of Federal Regulations 40 CFR § 141.2. The EPA is the Primacy Agency tasked with oversight of the Blackbird System. Every public water system in the United States is required to perform regular bacterial testing of its drinking water to make sure it is safe for human consumption. The last samples that were collected at the Casino in February had positive results and should have been reported and followed up immediately when those results were known.

**Violation 1: Failure to Monitor – Total Coliform Rule 40 CFR § 141.21(a)(3)**

The EPA and laboratory records indicate that the Blackbird Bend System failed to perform monthly



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routine sampling for Total Coliform bacteria and *E. coli* in the months of February, March, and April 2014.

**Corrective Action 1:** Immediately, contact the laboratory and arrange to collect a minimum of five samples, at the sample locations used for the previous samples, and have them analyzed for total coliform, and *E. coli* if they are positive for total coliform. If any of these samples are positive, notify our office immediately for further instructions. It is important that these samples be taken to determine whether your water supply is contaminated or treatment is working properly.

**Corrective Action 2:** Per 40 CFR 141.203, as soon as practical but no later than 30 days upon receipt of this Notice of Violation, the Blackbird Bend System must notify consumers the water has not been tested and may be unsafe by posting a Public Notice in the immediate vicinity of all food stations, public rest rooms, fountain drink stations, and coffee pots to alert customers to the lack of Total Coliform sample results. A sample Public Notice is enclosed. **The Public Notice will remain in place until the Blackbird Bend System collects its monthly required routine samples and the results are negative for coliform bacteria.**

**Corrective Action 3:** Within 15 days of receipt of this notice, a new Total Coliform sampling plan must be submitted per 40 CFR §141.21 that is representative of water throughout the distribution system which includes the new casino, old casino and administration buildings. The EPA has requested the Blackbird Bend System via e-mail on January 14, 2014, March 3, 2014, and April 17, 2014, to provide a revised sampling plan.

**Reporting Requirements:**

1. Per 40 CFR 141.31, within 10 days of completing the public notice requirements, Blackbird Bend System must provide a copy of the Public Notice and a signed certification statement to EPA stating that the Notice was posted, and the date it was posted on.
2. Per 40 CFR 141.21, within 15 days of receipt of this notice, a revised representative Total Coliform sampling plan must be submitted to EPA Region 7.
3. The signed certification statement and copy of the Public Notice, as well as, a revised Total Coliform Sampling Plan are to be sent to Kimberly Willis at the address listed below:

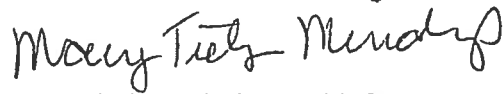
U.S. Environmental Protection Agency  
Region 7  
WWPD/DRWM  
ATTN: Kimberly Willis  
11201 Renner Boulevard  
Lenexa, Kansas 66219

If the Blackbird System fails to comply with the actions and schedules listed in this Notice of Violation letter or otherwise continues to be out of compliance with the Safe Drinking Water Act, the EPA may undertake appropriate formal enforcement, including the issuance of an administrative order. This letter shall not be construed to prevent or limit the rights of EPA or the United States to obtain penalties or

injunctive relief under federal laws or regulations for any violations addressed by this Notice of Violation.

If you or your staff have questions concerning any of the violations and steps needed to return to compliance, please contact Kimberly Willis, by email at [willis.kimberly@epa.gov](mailto:willis.kimberly@epa.gov) or at (913) 551-7069.

Sincerely,

A handwritten signature in black ink, reading "Mary Tietjen Mindrup". The signature is written in a cursive, flowing style.

Mary Tietjen Mindrup, Chief  
Drinking Water Management Branch

Enclosures

1. Public Notice for Lack of Total Coliform Sampling
2. Certification Statement

cc: Robert Warner  
Willard Freemont, Operator



# **PUBLIC NOTICE**

## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

### **Failure to Perform Routine Monitoring for Total Coliform Blackbird Bend Casino Public Water System Onawa, Iowa EPA ID: 07000017**

The Blackbird Bend Casino water system recently violated several drinking water standards. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct the situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards.

**EPA's records indicate that the Blackbird Bend Casino failed to perform the appropriate monthly sampling for Total Coliform bacteria and *E. coli* in the months of February, March and April 2014.**

**This notice serves as the initial 30 day Public Notice failure to sampling violations for Total Coliform.**

### **What should I do?**

There is nothing you need to do at this time.

### **What does this mean?**

#### **Total Coliform**

Coliform bacteria are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present.

### **What is being done?**

We will begin sampling in accordance with the schedule indicated above and should there be any issues found will immediately inform our customers.

Date posted: \_\_\_\_\_

### CERTIFICATION STATEMENT

**Blackbird Bend Casino Public Water System**  
**EPA PWSID #070000017**

PWS NAME: \_\_\_\_\_  
(system name)

## Failure to Monitor Total Coliform

For violations: \_\_\_\_\_  
(system identification number)

Occurring: Total Coliform in February, March, and April 2014

The public water system indicated above, hereby affirms that public notice has been provided to consumers in accordance with delivery, content, and format requirements and deadlines in 40 CFR Part 141, Subpart Q.

Consultation with primacy agency (if required) on: \_\_\_\_\_  
(insert date) (name of EPA staff contacted)

Notice distributed by \_\_\_\_\_ (insert method) \_\_\_\_\_ (insert date)

Notice distributed by \_\_\_\_\_ (insert method) \_\_\_\_\_ (insert date)

**Attached:** A copy of all public notices used to reach customers is required to accompany this "Certification Statement".

**Signature of official agent, owner or manager/operator**

Date \_\_\_\_\_

Return to:

U.S. Environmental Protection Agency  
Region 7  
WWPD/DWMB  
ATTN: Kimberly Willis  
11201 Renner Boulevard  
Lenexa, Kansas 66219

Contents of Notice

**All public notices must include a clear and readily understandable explanation of each violation or situation and must address the following (10) elements:**

1. Description of the violation or situation including contaminants(s) of concern and (as applicable) the contaminant level(s);
2. When the violation or situation occurred;
3. Any potential adverse health effects from the violation or situation, using standard language provided in the rule;
4. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
5. Whether alternate water supplies should be used;
6. What actions consumers should take, including when to seek medical help, if known;
7. What the system is doing to correct the violation or situation;
8. When the system expects to return to compliance or solve the situation;
9. Contact information: name ,business address, and phone number of the water system owner, operator, or designee of the Public Water System that can provide additional information; and
10. A statement encouraging notice recipients to distribute the notice to other persons served by the water system.

